

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

+ + + + +

WEDNESDAY

OCTOBER 28, 2020

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:38 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA JOHN, Vice-Chair
CHRISHAUN SMITH, Board Member
CLIFFORD MOY, Secretary

ZONING COMMISSION MEMBERS PRESENT:

ROBERT MILLER, Member
PETER MAY, Member
ANTHONY HOOD, Member

OFFICE OF ZONING STAFF PRESENT:

SARA A. BARDIN, Director, Office of Zoning

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQUIRE, Counsel to the Board

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The transcript constitutes the minutes from the
Regular Public Hearing held on October 28, 2020

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P-R-O-C-E-E-D-I-N-G-S

(9:38 a.m.)

CHAIRPERSON HILL: All right. The meeting will please come to order.

Good morning, ladies and gentlemen. We are convening and broadcasting this decision meeting by videoconference. This is the October 28th, 2020, public meeting session of the Board of Zoning Adjustment, the District of Columbia. My name is Fred Hill, Chairperson, and joining me today is Lorna John, Vice-Chair; Chrishaun Smith, Board Member; and representing the Zoning Commission will be Commissioner Rob Miller, as well as Chairman Anthony Hood.

Today's meeting agenda is available to you and located on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter, and is also webcast live via Webex and YouTube Live.

The video of the webcast will be available on the Office of Zoning's website after today's meeting session. Accordingly, everyone who is listening on Webex or by telephone will be muted during the meeting. We do not take any public testimony at our decision meetings.

At the conclusion of this meeting session, I shall, in consultation with the Office of Zoning, determine whether a full or summary order may be issued. A full order is required when the decision it contains is adverse to a party, including an affected

1 ANC. A full order will also be needed if the Board's decision
2 differs from the Office of Planning's recommendation. Although
3 the Board favors the use of summary orders whenever possible, an
4 applicant may not request the Board to issue such an order.

5 Preliminary matters are those which relate to whether a
6 case will or should be heard today, such as a request for a
7 postponement, continuance or a trial, or that proper and adequate
8 notice of the meeting has been given.

9 Mr. Secretary, do we have any preliminary matters?

10 MR. MOY: Okay. Good morning, Mr. Chairman, Members of
11 the Board. So I do not have any (indiscernible) decision meeting
12 except for one, but I'll put that before the Board when I call the
13 case, Mr. Chairman.

14 CHAIRPERSON HILL: Okay. All right. Why don't you go
15 ahead and call our first decision case then, Mr. Moy.

16 MR. MOY: Okay, assuming that would be the appeal case,
17 sir?

18 CHAIRPERSON HILL: Yes, sir.

19 MR. MOY: Okay, this would be Appeal No. 20292 of ANC
20 8A, and this is the appeal from a decision made on February 6th,
21 2020 by the Department of Consumer and Regulatory Affairs that
22 determined that the construction on the property is compliant with
23 the approved plans in the RA-2 District in Premises 1401 22nd
24 Street, S.E. (Square 4556, Lot 66).

25 This, the Board will recall, was last heard at its

1 decision meeting on October 21st and was continued to today's
2 meeting, October 28th.

3 CHAIRPERSON HILL: Okay. All right. I'm going to start
4 kind of working through some of these things on this decision, but
5 I'm letting you guys know I'm going to start with someone else.
6 So let's just start to think first, we can start to think first.

7 And so, you know, I might pick the Commissioner, since
8 you're the highest-ranking member of our tribe here, you know, we
9 might start with you. But as far as the motions, there was the
10 one motion -- and if we need OAG to help, if I forget something,
11 please, Ms. Nagelhout, chime in, but the motion -- there's a
12 motion on the table for opening the record and then dismissing --
13 or motion to strike. I'm not interested in reopening the record
14 and/or striking because, first of all, I don't know if we're going
15 to get to the appeal, because there's the motions to dismiss, but
16 if we did get to the appeal, I would want to hear whatever their
17 kind of argument is, and then determine whether or not we agree
18 with their argument.

19 So I'm not in favor of the reopening the record and the
20 motion to strike. That's an easier one. So I'm going to go
21 around the table again, I'm going to start with you Commissioner
22 Miller, do you have any thoughts on the motion to reopen the
23 record and motion to strike?

24 COMMISSIONER MILLER: I had some thoughts, but your
25 thoughts have now affected my thoughts. My thought was that I

1 | thought we didn't need to necessarily reopen the record, that that
2 | motion wasn't necessary because the record wasn't officially
3 | closed. Maybe I'm not -- I don't know if I'm recalling that
4 | correctly. And I was going to -- I was going to note -- I was
5 | going to be not in favor -- not in favor -- of the motion to
6 | strike, because generally I'm not in favor of motions to strike.
7 | I would just as soon to let it all on the record and let us make
8 | our decision. However, you're saying that that's only relevant if
9 | we get to the argument of the merits -- argument on the merits of
10 | the appeal, which we won't get to necessarily -- necessarily -- if
11 | we -- until we dispose of the motion to dismiss.

12 | So I could go either way. I'm anxious to get to the
13 | motion to dismiss argument and I will defer to my colleagues on
14 | whether this should come into the record at this point or later, I
15 | really -- I don't think it makes a difference necessarily.

16 | CHAIRPERSON HILL: Okay. Let me now clarify my position
17 | again and then we can go around. I think that, right, what you
18 | said is correct, is that the record was not -- and this is where
19 | Ms. Nagelhout can help -- the record wasn't officially closed.
20 | However, where I thought there was a little bit of confusion was
21 | that we were going to have a discussion today about the motions to
22 | dismiss and that's why they were trying to get that stuff into the
23 | record, so that we could have it in the record before we had this
24 | deliberation.

25 | So I'm fine with allowing it in the record, because the

1 record wasn't closed, but not approving the motion to strike. So
2 that's where I back am again.

3 Ms. John or Mr. Smith? I'll leave the Vice Chair for
4 last. Mr. Smith?

5 MR. SMITH: I agree with you, Mr. Chairman. I think I
6 want to get to this discussion about the motion to dismiss first.
7 I think -- but I agree with you that I do want to hear more -- I
8 guess it really wouldn't matter, but I think the main question at
9 this point in time is this motion to dismiss and that we may not
10 need to hear this -- hear more on this particular argument. So I
11 guess I can go either way, but I agree with you.

12 CHAIRPERSON HILL: Okay. Ms. John?

13 VICE CHAIR JOHN: So I don't think the record was really
14 officially closed, so we don't need to rule on a motion to reopen
15 the record, because it was never closed. And so I'm not in favor
16 of granting the motion to strike from the record because, if we
17 get beyond the motion to dismiss, I would like to hear -- or it
18 would be useful to hear that testimony, and then we could give it
19 whatever weight we determine is necessary. And as I see the
20 record now, I believe the appeal, the basis of the appeal is
21 stated in Exhibits 1, 2, and 3, and so I believe we can go ahead
22 and hear the motion to dismiss.

23 So, in a nutshell, the record was never closed and I'm
24 not in favor of granting the motion to strike.

25 CHAIRPERSON HILL: Okay. So, Ms. Nagelhout, I'm just

1 being clear, do I have to make a motion to approve the motion to
2 reopen the record, because the record was never closed? But it
3 sounds like we're going to deny the motion to strike, so I can
4 make a motion to do that. So my first question is, do I need to
5 make a motion to reopen the record?

6 MS. NAGELHOUT: I think you can make a single motion to
7 deny the property owner's motion to reopen the record and strike.
8 The property owner put one motion in that had two requests, one to
9 reopen the record and secondly to strike. So if the Board, if you
10 want to dispose of it, I think you could make a motion to deny the
11 property owner's motion to reopen the record and strike, and just
12 do it as one thing.

13 CHAIRPERSON HILL: Okay. I mean, I guess I was -- and
14 maybe I'm just splitting hairs here and this is just going to be a
15 long day -- like isn't it in the record -- can I leave it in the
16 record? What I'm trying to say is the record wasn't closed, so --

17 MS. NAGELHOUT: So, by denying the motion, you just
18 leave the record as is. Anything that's in the record is staying
19 in the record and you are -- I think the request to reopen the
20 record was made so that the Board would accept the motion to
21 strike, but it sounds to me like, you know, one, the record wasn't
22 closed, so that part wasn't necessary; and, two, the Board is not
23 inclined to strike anything. So I think a single motion on the
24 part of the Board to deny the property owner's second motion would
25 be sufficient.

1 CHAIRPERSON HILL: All right. So I'm going to make a
2 motion to deny the property owner's second motion to strike and
3 ask for a second, Ms. John.

4 VICE CHAIR JOHN: Second.

5 CHAIRPERSON HILL: The motion is made and seconded.

6 Mr. Moy, could you take a roll call vote?

7 MR. MOY: Yes. Thank you, Mr. Chairman.

8 So when I call your name, if you would please respond
9 with a yes, no, or abstain to the motion made by Chairman Hill to
10 deny the motion to strike -- if that's correct, Mr. Chair -- and
11 that motion was seconded by Vice Chair John.

12 Starting with Commissioner Rob Miller?

13 COMMISSIONER MILLER: Yes to deny the motion to strike.

14 MR. MOY: Mr. Smith?

15 MR. SMITH: Yes.

16 MR. MOY: Vice Chair John?

17 VICE CHAIR JOHN: Yes to deny.

18 MR. MOY: Chairman Hill?

19 CHAIRPERSON HILL: Yes to deny.

20 MR. MOY: The staff would record the vote as 4 to zero
21 to 1, and this is on the motion made by Chairman Hill to deny a
22 motion to strike, seconded by Vice Chair John. Also in support of
23 the motion Mr. Smith, Zone Commissioner Rob Miller, we have a
24 Board seat vacant. Motion carries 4 to zero to 1.

25 CHAIRPERSON HILL: Okay. As I said, I'm going to set

1 this up, and then I'm going to let somebody else start. And, Mr.
2 Smith, if you think you're ready to start, you could also go first
3 as well. So no one has raised their hand. But there was the
4 motions to dismiss for, one was timeliness and another was lack of
5 jurisdiction.

6 Who would like to begin?

7 VICE CHAIR JOHN: I'll try.

8 CHAIRPERSON HILL: Okay, there you go. Right on, Ms.
9 John.

10 VICE CHAIR JOHN: So this is a motion to dismiss, a
11 joint motion by DCRA and the property owner to dismiss the appeal.
12 It seemed to be a bit confusing, but in essence the ANC is
13 claiming that there was an improper wall check and that the
14 foundation of the building was in public space. And if the wall
15 check had been properly completed, it would have shown the
16 encroachment in public space in the foundation. Because the
17 foundation was not correct, then the as-built building was also
18 not correct. And so the ANC makes the argument that, by not
19 completing the wall check properly, the Zoning Administrator
20 granted a de facto change in the permit.

21 So the problem is for me that the ANC does not cite to
22 any regulation to support its claims and, fundamentally, all of
23 the claims go back to this improper wall check. And so I believe
24 that the property owner and DCRA made a very good argument that
25 the wall check is beyond the Board's jurisdiction and the ANC

1 | should instead have appealed the wall check to OAH. And so I
2 | don't see any way to get around that argument because everything
3 | goes back to that wall check.

4 | So I would dismiss for lack of jurisdiction. And
5 | because I would dismiss for lack of jurisdiction, I don't think
6 | it's necessary to talk about whether or not the appeal is barred
7 | by the claim of equitable estoppel which DCRA and the property
8 | owner are also making. And to understand that claim -- well, I
9 | don't really think the Board needs to get into that, because the
10 | foundation of the appeal is this incorrect wall check, and so we
11 | just can't -- we can't accept jurisdiction over this claim.

12 | And that's it.

13 | CHAIRPERSON HILL: I thought that was very well said and
14 | I'm really thrilled to be on your Board.

15 | Mr. Smith?

16 | MR. SMITH: Thanks. Vice Chair John, that was very well
17 | said point by point. In a nutshell, I completely agree. A walls
18 | check is an administrative document that is used to ensure and
19 | guarantee compliance with the approved building plans and site
20 | plans which were evaluated by the zoning administrator prior to
21 | the issuance of the building permit. So the premise of the ANC, I
22 | believe, like you're saying, is based off of an administrative
23 | permit that's issued by DCRA that is not a zoning concern that we
24 | can deliberate as a body.

25 | Also, I don't believe that the Applicant has

1 demonstrated that there is a violation. The extension to the
2 public space is not a zoning issue. This issue of the foundation
3 or the basement extending into the public right-of-way, if it is
4 below grade, is also not a zoning issue.

5 So -- and, again, going back to it, the premise of the
6 ANC is -- or their whole argument is based off of this
7 administrative permit that I do not believe that we have
8 jurisdiction to regulate or enforce compliance of. So I am in
9 agreement with Vice Chairman John and I would not support the
10 request before us by the ANC.

11 CHAIRPERSON HILL: Commissioner Miller?

12 COMMISSIONER MILLER: Thank you, Mr. Chairman. I would
13 concur with all of the comments by Vice Chair John and Board
14 Member Smith, and just reiterate that I would support the motion
15 to dismiss due to lack of jurisdiction, due to the circumstance
16 that this is an administrative construction issue that should be
17 appealed. If it's going to be appealed to another body, I think
18 that's the Board of Appeals, but it's not, in my opinion, the
19 Board of Zoning Adjustment, because I don't think it's a zoning
20 issue. The wall check is not a zoning issue; the below-space
21 encroachment, if it exists, is either a construction issue or a
22 public space issue, but not a zoning issue, in my opinion. Zoning
23 is concerned with what's above ground, in my view.

24 So I would, like my colleagues, be supportive of the
25 motion to dismiss for those reasons. Thank you.

1 CHAIRPERSON HILL: Okay, thank you, Commissioner. I
2 don't have anything additional to add. I thought that -- I'm
3 going to agree with everything that you all said. I just don't
4 think that this is, you know, in our purview. And I guess if
5 anything that I was going to try to add is that, you know, the
6 permit had not changed and that was something that -- well, I
7 guess we would have gotten into that discussion if we had gotten
8 in -- anyway, I agree with everything that you all said and I
9 don't think this is within our jurisdiction.

10 I'm going to then make a motion to approve the motion to
11 dismiss for lack of jurisdiction and dismiss the appeal, and ask
12 for a second, Ms. John.

13 VICE CHAIR JOHN: Second.

14 CHAIRPERSON HILL: The motion has been made and
15 seconded. Mr. Moy, if you could take a roll call vote?

16 MR. MOY: Yes. Thank you, Mr. Chairman.

17 When I call your names, if you would please respond with
18 a yes, no, or abstain to the motion made by Chairman Hill to
19 dismiss the appeal? And this motion was seconded by Vice Chair
20 John.

21 Zoning Commissioner Rob Miller?

22 COMMISSIONER MILLER: Yes.

23 MR. MOY: Mr. Smith?

24 MR. SMITH: Yes to dismiss.

25 MR. MOY: Vice Chair John?

1 VICE CHAIR JOHN: Yes to dismiss.

2 MR. MOY: Chairman Hill?

3 CHAIRPERSON HILL: Yes to dismiss.

4 MR. MOY: The staff would record the vote as 4 to zero
5 to 1 on the motion made by Chairman Hill to dismiss the appeal, I
6 believe for a lack of jurisdiction, seconded by Vice Chair John.
7 Also in support of that motion Zoning Commissioner Rob Miller and
8 Mr. Smith; we have a Board seat vacant. Your motion carries 4 to
9 zero to 1.

10 CHAIRPERSON HILL: Okay, thank you.

11 Commissioner Miller, is that it for you?

12 COMMISSIONER MILLER: That's it for me. I may tune in
13 just to hear what's going on, but you won't see me.

14 CHAIRPERSON HILL: Okay. You have a nice day.

15 COMMISSIONER MILLER: Or hear me. Thank you.

16 CHAIRPERSON HILL: Okay. I think we need to bring in
17 Commissioner May.

18 (Pause)

19 CHAIRPERSON HILL: Hello, Commissioner.

20 COMMISSIONER MAY: Hello.

21 CHAIRPERSON HILL: Were you watching the last one,
22 Commissioner?

23 COMMISSIONER MAY: Sort of.

24 CHAIRPERSON HILL: Well, if you realize that I started
25 with somebody else, that's the important part.

1 COMMISSIONER MAY: I did see that.

2 CHAIRPERSON HILL: Okay, so -- because we're back to
3 that same one today on this one, because this is a long
4 discussion, I believe.

5 Mr. Moy, if you could please call our next decision
6 case?

7 MR. MOY: Yes. Thanks --

8 CHAIRPERSON HILL: Mr. May, your mike is on, just to let
9 you know.

10 MR. MOY: Thanks, Mr. Chairman. So the next decision
11 case is Case Application No. 20186 of Elisabeth Hando, H-a-n-d-o,
12 as amended, for special exceptions under the R-Use group
13 requirements, Subtitle U, Section 203.1(h); and under Subtitle C,
14 Section 703.2 from the minimum parking requirements of Subtitle C,
15 Section 701.5, which would convert an existing expanded child
16 development home to a new child development center with 20
17 children in the R-1-B Zone at Premises 240 Quackenbos Street, N.E.
18 (Square 3719, Lot 24).

19 This was last heard by the Board at a continued hearing
20 on October the 7th. And I guess the only thing I can add, as the
21 Board will recall, the Applicant -- yes, the Applicant filed
22 yesterday, October 27th, another document, which is within the 24-
23 hour period. Other than that, the floor is yours, Mr. Chairman.

24 CHAIRPERSON HILL: Okay, great. Thank you. I'm just
25 looking at what you --

1 (Pause)

2 CHAIRPERSON HILL: Exhibit 200, Mr. Moy, is from the ANC
3 Commissioner (indiscernible) --

4 MR. MOY: (Indiscernible) --

5 CHAIRPERSON HILL: -- (indiscernible) --

6 MR. MOY: That's correct. I should mention, Mr. Chair,
7 that anything that's filed with --

8 CHAIRPERSON HILL: Sorry.

9 MR. MOY: No, I'm sorry. Anything filed within the 24-
10 hour period, I hold it. So this was apparently a filing that the
11 property owner sent to the ANC and to the BZA, which this is
12 attendant to -- I can just name what it was -- it was a list of
13 neighbors in support and the neighbors opposed, a list of names of
14 volunteers to assist with drop-off and pick-up, and --

15 CHAIRPERSON HILL: Okay, that's all right, Mr. Moy.
16 That's all right. I don't want you to run through it. Okay.

17 All right, I guess we -- so, my fellow Board members, I
18 mean, this went on a very long time, meaning that I wasn't -- I
19 watched the previous hearings that I was not a part of, but,
20 Commissioner May and Ms. John, you both were. I know that Mr.
21 Smith for the record -- and you can repeat it again, Mr. Smith, if
22 you'd like to -- did read in and is up to date on everything
23 concerning this case; correct, Mr. Smith?

24 MR. SMITH: Correct.

25 CHAIRPERSON HILL: Okay, as did I. I'm mentioning all

1 that because you all, meaning Commissioner May and Ms. John, were
2 there at the very beginning of this.

3 And so it was quite contentious. There was a lot of
4 concerns from the neighbors, as well as -- there are concerns,
5 because I do think that the ANC Commissioner was acting in a
6 neutral fashion, just trying to see if there could be something
7 worked out. What the Board is charged with is, again, do we think
8 that the application has met the criteria necessary within the
9 zoning regulations for us to approve the application, and then do
10 we think that there needs to be conditions to help mitigate some
11 aspects of the application that then makes the Board more
12 comfortable with the standards being met.

13 So I do think that the Applicant has met the criteria
14 for me to vote in favor of the application. I mean, I think that
15 they have -- you know, the argument that they put forward during
16 the case, as well as the analysis that the Office of Planning has
17 provided, I think that they meet the criteria for the special
18 exception to grant the relief being requested. So I'm in favor of
19 the relief being requested. Then it goes into conditions that we
20 think might be necessary to help mitigate what might be potential
21 adverse impacts.

22 And there were a lot of things that we talked about.
23 There was -- there was like a 6-foot tall, solid fence that we
24 kind of spoke about. There was a construction management plan
25 that was in Exhibit 36, Exhibit 110, and then I think another one

1 in Exhibit 189. There was a request from the Applicant to clearly
2 show kind of the drop-off zones and how that would be mitigated.
3 I'm comfortable discussing all of those options with my
4 colleagues. And then there was even another option or discussion
5 about a time limit in terms of the application, and I think that
6 that was a place that we, as a Board, were a little bit more at a
7 sticking point, which I still am at a sticking point with that. I
8 don't know completely where I stand with it, but -- you know,
9 currently, I wasn't in favor of it and, if I was, it would only be
10 for five years. And so that's -- but that's still kind of to be
11 discussed.

12 So I guess we can kind of first go around the table and
13 see where everybody is with the application, perhaps, and then we
14 can start discussing conditions. If the application is going to
15 get denied, then we don't have to figure out conditions.

16 And, Mr. May, I can see that your microphone is already
17 turned off -- or on, I should say, so I can go ahead and start
18 with you, I suppose, if you do believe the Applicant has met the
19 criteria for us to grant the application and then -- or you can
20 start to talk about conditions as well, please.

21 COMMISSIONER MAY: So I just want to note first that we
22 did have a submission from the ANC Commissioner, indicating that
23 there was some further discussion and that there might be hope for
24 resolution of issues, and I don't know if the Board wants to
25 consider that specific request that we delay a decision for

1 another couple of weeks to allow that to play out.

2 CHAIRPERSON HILL: Okay, that is correct. I wasn't --
3 and thank you for bringing it up. I didn't -- I do thank the
4 Commissioner, by the way, Commissioner Brooks, that, you know, she
5 has taken a lot of time to even write this -- I mean, this took
6 time to just write, the Applicant -- and so I didn't necessarily
7 get the impression that the extra ten days were going to get
8 anybody to a place where the ANC was going to approve this, it was
9 just that they were going to maybe try to work with the next-door
10 neighbor, perhaps -- I don't even know for sure -- in terms of
11 what we are planning on doing anyway, which is try to mitigate
12 this. But if you think that -- I'm also -- if the Board wants to
13 try to put this off for a couple weeks and see if anything further
14 develops, then I'm happy to have this whole discussion, you know,
15 a few weeks from now. So I guess we can do that first.

16 So Commissioner May has mentioned do we want to put this
17 off for a couple weeks and see if the neighbor, the one -- you
18 know, the neighbor and the Applicant can come to some kind of a
19 resolution prior to us going through this exercise. Ms. John, do
20 you have an opinion?

21 VICE CHAIR JOHN: I do have an opinion, Mr. Chairman. I
22 read through the Commissioner's submission and, like you, I agree
23 that this took a lot of work and that Commissioner Brooks has
24 really been proactive in trying to resolve the issue, and she
25 noted that the suggested compromise was that Ms. Hando remain in

1 the home. And there is -- I don't believe that there is any
2 requirement that she remain in the home and the application is for
3 an expanded child development center, so I think that -- which I
4 don't see anything in the regulation that requires her to remain
5 in the home affirmatively. And in fact there was something in the
6 record from DCRA that said she could not remain in the home,
7 that's my recollection, and if that's the basis of the compromise,
8 I don't think putting it off for ten days is going to solve
9 anything. And so I would not be in favor of continuing to have
10 them discuss that issue again.

11 CHAIRPERSON HILL: Okay. Commissioner May, did that
12 change your mind?

13 COMMISSIONER MAY: No, I -- my question was whether the
14 Board wanted to consider that, I was not advocating for it
15 necessarily. I'm a little bit skeptical that anything could be
16 resolved, but I'm also -- you know, tend to want to grant
17 deference to the earnest efforts of the ANC -- of an ANC
18 Commissioner who's trying to resolve a problem between an
19 applicant and the neighbors of a project. I mean, I'm still
20 fairly pessimistic that anything would come of it, but if the rest
21 of the Board were willing to give it a couple weeks in the hopes
22 that it could actually be resolved, whether it's through the
23 condition that Board Member John mentioned or whether it was by,
24 you know, coming to some other agreement, I would be willing to
25 let it go for a couple weeks. But if the Board wants to move

1 ahead today, I'm fine with that too.

2 CHAIRPERSON HILL: I don't have -- now I don't know what
3 to say either. So I'm like -- that's okay. I mean, now I -- you
4 know, I think that if what Ms. John had mentioned is accurate.
5 However, if -- you know, if the Applicant and the next-door
6 neighbor were able to come to their own independent agreement that
7 someone was going to stay in the house, then that would kind of be
8 on them. I guess -- and, Ms. John, I'm sorry, because now I don't
9 know what to say either and I know we're just getting to this very
10 one first point, is that I don't know if -- I'm kind of now
11 leaning with Mr. May, because -- you know, Commissioner May, which
12 is that we put it off for a couple weeks and just see what
13 happens, I suppose. The ANC Commissioner is saying, you know,
14 perhaps some resolution could come, but I'll let Mr. Smith weigh
15 in, and then we'll go around the table again and see where we get.

16 Mr. Smith?

17 MR. SMITH: I agree, because -- I agree with Mr. May's
18 point. I would prefer to give weight to the ANC in order for them
19 to continue this deliberation. But, again, I don't know to what
20 satisfaction we'll get to with that because it seems the main
21 concern with the ANC, as we heard at testimony in the public
22 hearing, was regarding traffic concerns and Ms. Hando remaining in
23 the home would not necessarily directly address that concern, and
24 I believe we may be able to address that concern by implementing
25 additional conditions on the special exception.

1 But, all in all, I would prefer to give weight to the
2 ANC and I would prefer to defer this for two weeks to see what
3 comes of it.

4 UNIDENTIFIED SPEAKER: You're muted.

5 CHAIRPERSON HILL: I was throwing my head back because I
6 don't know really where I am either at this point. I think that
7 Ms. John makes a valid argument. I think that everything that
8 we're going to end up going through is going to take a long time
9 to discuss. And so, you know, kind of -- I love how this seemed
10 to take a long time to discuss -- postponing it for a little
11 while, I'm on the fence now because I don't know what's happening
12 two weeks from now, like what our hearing is like two weeks from
13 now. Mr. May, you just pop in for, you know, the 20 minutes that
14 this is now going to take and then you're going to go away, right?
15 And in the other hearing that we have you're going to do the same
16 thing, you're going to come in for 20 minutes and then you're
17 going to go away.

18 COMMISSIONER MAY: Believe me, I don't love coming in
19 for 20 minutes because it usually means, you know, tuning in for a
20 little while and listening to other people going on -- I mean, I
21 don't want to extend it just for the sake of extending it, but,
22 again, you know -- I mean, I'm torn. I understand the argument
23 that it probably isn't going to go anywhere --

24 CHAIRPERSON HILL: But even if it did -- let me
25 interrupt you one second -- even if it did, even if it did, the

1 | idea -- like we could put it in -- we could not put it in as a
2 | condition, right? That would be something that would be on the
3 | Applicant to work with the neighbor. And the only reason why I'm
4 | kind of hesitating is we're kind of the catalyst currently for
5 | that discussion, right? Once this is over, this is over. And so,
6 | you know, it would then be on the Applicant to -- for the good
7 | neighbor policy -- and, Ms. John, now I'm kind of looking at you,
8 | because this is where I also don't know -- that it would be the
9 | Applicant -- they would have gotten their order, right? I mean,
10 | whatever all the conditions are, they would have gotten their
11 | order, and it would be on the Applicant to work with the next-door
12 | neighbor about this living there/not living there thing, right?
13 | And so, by us putting it off for two weeks, there is a little bit
14 | more impetus, weight, whatever, for that Applicant to work with
15 | the neighbor.

16 | So that's where I'm kind of stuck, right? But at the
17 | same time, I am going to ask a question. Mr. Moy, two weeks from
18 | now is what date, and what does the docket look like?

19 | (Pause)

20 | MR. MOY: Yes, Mr. Chairman, I was just looking at that.
21 | It's perfect in that it accommodates Mr. Peter May, because he's
22 | back with the Board on November the 18th.

23 | CHAIRPERSON HILL: Okay. Well, then that makes it easy
24 | and I'm fine, you know, that means he's here anyway.

25 | COMMISSIONER MAY: Yeah, it's three weeks actually,

1 | because two weeks is Veterans Day, right?

2 | MR. MOY: That's correct.

3 | CHAIRPERSON HILL: Oh, it's the 18th? It's the 18th?

4 | MR. MOY: No, the week prior -- yeah, Veterans Day is
5 | the week prior to that and you have a holiday.

6 | COMMISSIONER MAY: Two weeks from today is Veterans Day.

7 | CHAIRPERSON HILL: Got it. So what I'm saying is that
8 | we're not back here then until the 18th, that's when we would be
9 | putting this off -- one, two -- three weeks, right?

10 | MR. MOY: Yes.

11 | CHAIRPERSON HILL: And so -- oh, gosh. So, Mr. Smith,
12 | you're voting to put it off, is that correct?

13 | MR. SMITH: Yes, I am voting to put it off.

14 | CHAIRPERSON HILL: All right. Mr. May, you're voting to
15 | put it off?

16 | COMMISSIONER MAY: I would be very happy to put it off
17 | in the hopes that there's some resolution. And I'm open to the
18 | thought that it could be something beyond just what the ANC is
19 | suggesting that Ms. Hando has to live there, maybe there is some
20 | other way that they can resolve their issues. It would also be
21 | helpful to hear from the Applicant on the proposed conditions that
22 | come out of the discussion with the ANC, because we did have
23 | conditions that were proposed by the ANC, including the hours of
24 | operation and so on, and I just don't know how that specifically
25 | comports with the Applicant's position. So --

1 CHAIRPERSON HILL: Ms. John?

2 VICE CHAIR JOHN: I am not opposed to putting it off;
3 however, I agree with you that we could not put in a condition
4 that the Applicant live in the home. My recollection is
5 distinctly that DCRA said in their email that's in the record that
6 the Applicant could not live in the home because it is a daytime
7 use. So we can put it off, you know, and see if anything can come
8 of it. And I just don't want to see this, you know, go on and
9 keep, you know, going on and on and on.

10 My thought is that we had postponed to allow the parties
11 to discuss the drop-off and pickup and that's all that we were
12 expecting. There is a new request that the Applicant live in the
13 home, which seems to be where the neighbors were stuck. So I am
14 not optimistic, but I'm happy to go along with another
15 postponement.

16 CHAIRPERSON HILL: Okay. All right, I'm going to ask a
17 couple -- so, first of all, to be very clear, because I don't want
18 this to continue to kind of go on and on, right? Like there's
19 nothing we're asking -- I don't want anything in the record
20 because, when you add stuff to the record, then someone -- then
21 parties have seven days to respond to anything that's been added
22 into the record, and that kind of turns into a long loop. I want
23 to get to this discussion on the 18th.

24 So, at least as I understand it, there's nothing we're
25 asking from anybody in the record, correct? Okay, Mr. May, you

1 kind of have --

2 COMMISSIONER MAY: Well, no. I mean, I think that, you
3 know, given that we're talking about it three weeks from now, it
4 seems to me that the ANC wanted ten days to continue to work, they
5 can have ten days to continue to work, and then we can get a
6 response from the Applicant, and that still works and we can take
7 it up on the 18th.

8 CHAIRPERSON HILL: Okay. So, Mr. Moy, so we're leaving
9 the record open -- Ms. John?

10 VICE CHAIR JOHN: Can we be clear what we're asking for,
11 because the record is really very full and I believe we could
12 decide this case based on what is in the record. So what are we
13 asking for --

14 CHAIRPERSON HILL: Okay, what I --

15 VICE CHAIR JOHN: -- to close the record or leave it
16 open for a particular thing, which will give all parties the seven
17 days to respond?

18 CHAIRPERSON HILL: I think Mr. May has a point, which is
19 that -- and, Ms. John, thank you -- I think we can leave the
20 record open for something from the Commissioner, right? From the
21 ANC. Okay? It sounds like the Commissioner is pretty involved
22 and engaged, and has asked for ten so that these guys can kind of
23 talk it through a little bit more. And then we'll just leave the
24 record open for something from the Commissioner that explains what
25 happened. And does that sound clear enough, Ms. John?

1 VICE CHAIR JOHN: That works for me.

2 CHAIRPERSON HILL: Okay. So then, Mr. Moy, you would
3 have to ask parties to -- so ten days is one week, that's Friday
4 the 6th, I guess -- or something like -- Friday the 6th. So then
5 Friday the 13th would be a week and then we'd still have the 18th,
6 so -- or it's not ten days. Ten days is -- seven -- so that gives
7 you until the -- so we would want something from the Commissioner
8 by November 9th. And then that gives everybody a week, the 16th,
9 to respond, and then we can still decide on the 18th, correct, Mr.
10 Moy?

11 MR. MOY: That's correct. So to repeat for my clarity,
12 so the ANC would make another filing by Monday, November the 9th,
13 to explain the result of the coordination between the property
14 owner and the neighbors, and then allow another week, which would
15 be November 16th, for responses to that ANC's filing.

16 CHAIRPERSON HILL: Yes.

17 MR. MOY: Okay.

18 CHAIRPERSON HILL: And before we move on, I have one
19 other thing. So we had talked a lot about conditions and one of
20 those conditions was a possible term limit, right? There was a
21 discussion about the term limit, and it seemed to me that myself
22 and Vice Chair John were not in favor of a term limit overall and
23 that Commissioner May and Mr. Smith were in favor of some kind of
24 a term limit. Are we still in that spot? And I'm going to start
25 with Ms. John first.

1 VICE CHAIR JOHN: So I'm still there, because I think
2 some of the other conditions should mitigate some of the traffic
3 issues, which is the only outstanding thing. I think that the
4 pick-up and drop-off point was explained in one of the later
5 exhibits. And so I am not -- I don't think that we should place
6 the burden, an additional burden on the Applicant to have to
7 return to the Board in five years for permission to continue when
8 these traffic issues can be mitigated through the conditions that
9 we put in, because that's the only outstanding issue, the traffic
10 and the parking issues. Based on the OP's report, I guess I can
11 just say now that I'm in support of the application based on the
12 conditions that OP and DDOT have included, so I don't really think
13 that the term limit is appropriate at this point.

14 CHAIRPERSON HILL: Okay. Mr. Smith?

15 MR. SMITH: I am still in the same position that I was
16 when we first heard this case. I do -- and even more so now in
17 light of the ANC's letter. I do believe that a five-year term
18 limit would require the Applicant and the ANC to be in constant
19 coordination going forward. One of the points in the letter from
20 the ANC is for us to -- and I'm not advocating for this as a
21 condition, because I do not believe it's an enforceable condition
22 in a special exception -- would be for Ms. Hando to attend the
23 LRCA meetings on a quarterly basis to provide a written update on
24 the center and respond to questions and concerns. And I do
25 believe that five-year -- a five-year sunset, in essence, would

1 force some level of cooperation or coordination with the
2 neighborhood going forward. And, within five years, I do believe
3 that if there has been positive improvement in the relationship of
4 the Applicant and the ANC we would not have these major concerns
5 about traffic impacts or neighborhood impacts in the future,
6 within five years, or a future Board wouldn't have that concern.

7 So I have not changed my position, I'm still in favor of
8 a five-year sunset.

9 CHAIRPERSON HILL: Commissioner May?

10 COMMISSIONER MAY: Yeah, I'm still in favor of the five-
11 year limit. I think there are enough concerns from the immediate
12 neighbors about this transition from a home daycare use to a
13 daycare center, and I think it's reasonable and it's -- I mean,
14 theoretically, there's risk to the Applicant, but the Applicant is
15 in the position to eliminate that risk by being a good neighbor
16 and making sure that the center operates the way she has stated
17 that it will. So I think the risk is minimal, you know, assuming
18 the operation is well run and run according to plan, so I'm very
19 much in favor of that time limit.

20 CHAIRPERSON HILL: Okay, but I'm still with Vice Chair
21 John, which is that I think that we're putting the conditions in
22 place to mitigate the situation, and the reason why I'm even
23 leaning more is that I just, in this particular -- I mean, and I'm
24 usually -- not usually -- I've been in favor of time limits. And
25 so in this particular case, I'm a little bit iffy on it because,

1 | like, I just feel as though it's a big investment that the -- this
2 | small business is putting forward. I mean, it's a lot of
3 | construction, it's a lot of -- it's not a small investment and so
4 | that's why -- and it's a small business, it's not a big, you know,
5 | hotel or anything like that, so that's why I'm also -- and I don't
6 | think that -- I don't necessarily think, even if the person did
7 | everything that they were supposed to do, if they would get the
8 | buy-in from the community, because it seems as though the
9 | community is opposed to it for just a variety of reasons, you
10 | know.

11 | And so, you know, the reasons that are before us is just
12 | the traffic, you know. I mean, that's the thing that we're
13 | supposed to kind of figure out. And we're putting up fences and,
14 | you know, mitigating all other kinds of things that we think are
15 | things that will make it better for the community that even isn't
16 | really something that I think is necessarily things we normally
17 | do, right?

18 | So -- and I'm not -- we don't have to decide this now,
19 | I'm just trying -- the reason why I went through this exercise is
20 | because, Mr. Moy, the one thing that I would also like for the
21 | record is something from the Applicant about a term limit, okay?
22 | I'd like to know from the Applicant -- because, currently, what's
23 | happening is -- and the Applicant is probably watching --
24 | currently, what's happening is we're at a standstill, right? So,
25 | if we remain at this locked position, that means that nothing is

1 going to happen and we have to wait for another Board member to
2 come on board and decide. So I'd like to know from the Applicant
3 -- Mr. May, you're not on mute, by the way -- I need to know from
4 the Applicant what their thought is on a term limit. All right,
5 Mr. Moy?

6 MR. MOY: So that's very doable. I was going to go over
7 the final dates, including the concern that you just raised.

8 CHAIRPERSON HILL: Okay. Because, to be clear, what I'm
9 asking of the Applicant again is that, we're currently stuck and
10 so, if we remain stuck, that means nothing is going to happen,
11 right? And so the question really for the Applicant is would they
12 prefer that -- or maybe not and that's the problem, that's the
13 problem with this discussion -- Mr. Smith might change his mind,
14 Mr. May might change his mind -- I'm not holding out for Mr. May,
15 maybe Mr. Smith will change his mind, you know, but the -- so then
16 just let -- you know, I want to know what the Applicant -- because
17 the Applicant, it seems, is going to get a yes except for this
18 term limit thing, right? And if they are fine with the term
19 limit, then I want to know; if they're completely opposed to the
20 term limit, then I want to know. And if they're completely
21 opposed to the term limit, then this might be stuck, so I just
22 want to be clear.

23 Okay. So that's what we need by the 9th as well, okay?

24 MR. MOY: If there's not anything else, I'd like to go
25 over the dates again one last time for the record, Mr. Chairman?

1 So the decision is set for November the 18th. And the
2 next suspense date is Monday, November the 9th for the ANC to make
3 her filing, which essentially would discuss the results of the
4 coordination between all the parties, and responses to the ANC's
5 filing would be November the 16th by the parties. And in this
6 instance the only other major party would be the property owner or
7 the Applicant and I was going to suggest that, when she responds,
8 she can address her position on the term limit, unless you also
9 want the property owner, the Applicant, to address the term limit
10 by Monday, November the 9th --

11 CHAIRPERSON HILL: Yeah, to be clear, there's two things
12 we're asking for, one is something from the Commissioner that
13 explains what happened over the past ten days, because the
14 Commissioner is the one that asked for the postponement, and then,
15 second, I would like something from the Applicant that gives their
16 position on this term limit that we've been discussing, this five-
17 year term limit. Okay?

18 And Ms. John?

19 VICE CHAIR JOHN: I would adjust the first issue, which
20 is we need something from the Commissioner about the discussion on
21 living in the home, because that's what the Commissioner raised.
22 And there are two issues with that, OZC (phonetic) is saying one
23 thing and DCRA is saying another thing, and so I would like to
24 hear from the Commissioner just on that one thing. And then with
25 respect to the Applicant, I agree with you that it would be

1 helpful to hear from the Applicant on their view of the term
2 limit, because there's a financial impact to that, so I would like
3 to hear from them.

4 CHAIRPERSON HILL: I guess just to ask for clarity --
5 and Mr. May again has his hand up -- that the -- you would like to
6 know specifically about the living-in-the-home condition, and what
7 Mr. May had also left open -- I just want to be clear for the
8 Commissioner -- you know, I want to hear whatever happened, you
9 know what I mean. If they come to some kind of miracle terms and
10 these are all the things that they've decided that they're going
11 to do, I mean, I want to hear about all that as well. So -- and I
12 think Mr. May is shaking his head yes --

13 COMMISSIONER MAY: Yeah.

14 CHAIRPERSON HILL: -- which is what I guess you were
15 going to maybe say, Mr. May, I'm not sure.

16 COMMISSIONER MAY: So I was going to say that. I do --
17 I mean, I could see a scenario where the ANC actually gets
18 confirmation from DCRA that Ms. Hando cannot live there and that
19 trumps OZC, in which case, you know, maybe the ANC has other ideas
20 or they can working out something else that would mitigate the
21 concerns that the neighbors have about the conversion of this
22 childcare home to a child development center.

23 So, I mean, I would be open to hearing whatever the ANC
24 can work out. I mean, I'm not looking for pages and pages and
25 pages of information, but I think the ANC has done a good job of

1 giving us pretty concise feedback and I would hope that we would
2 get that again.

3 CHAIRPERSON HILL: Okay. So, Mr. Moy, again, Vice Chair
4 John wants specificity about the living-in-the-home thing, right?
5 And then we're also just going to leave it open for whatever other
6 things the Commissioner wants to tell us happened in terms of the
7 discussion by the 9th, November 9th. Okay? As well as something
8 from the Applicant about their position on the term limit by
9 November 9th.

10 MR. MOY: Yes, sir. We'll make it clear that each of
11 the parties understand what they need to file.

12 CHAIRPERSON HILL: Okay. And I'm going to give one more
13 point during our discussion and then I'll go around the table for
14 one last thing, if you all want to go. I mean, we're basically
15 going from 12 kids to 20 kids, right? These are eight kids,
16 right? So, I mean, I'm just saying I don't think that, like,
17 eight additional kids is a big traffic issue that we're going to
18 try to mitigate. Okay?

19 So does anybody have anything they'd like to add at the
20 end here?

21 VICE CHAIR JOHN: I agree with you, Mr. Chairman, we're
22 talking about eight kids.

23 CHAIRPERSON HILL: Okay. So --

24 VICE CHAIR JOHN: I mean, how bad could eight kids be?

25 CHAIRPERSON HILL: Mr. Smith, Mr. May, do you have

1 anything? You good? Okay, all right. So -- you're still on mute
2 now, Mr. May. Okay.

3 COMMISSIONER MAY: No, I don't have anything more to
4 say. I mean, I could talk about, you know, numbers of kids and
5 what that means, but that's not my point at this moment.

6 CHAIRPERSON HILL: Okay. Well, I think we're going to
7 have a long discussion again on the 18th anyway. So I look
8 forward to seeing you again, Commissioner.

9 So, I mean, are we going to take a break before the last
10 one or are we going to do the last one?

11 All right, Mr. May, you're gone, right? Okay. See you,
12 Commissioner.

13 All right. And then Chairman Hood needs to be added and
14 I'm trying to see how -- yeah, I mean, can you all -- can you all
15 make it to finish the meeting and then we'll break? Ms. John, I'm
16 looking at you nodding -- okay.

17 COMMISSIONER HOOD: Good morning, everyone.

18 CHAIRPERSON HILL: Good morning, Mr. Hood -- Chairman
19 Hood. Chairman Hood, were you watching all that?

20 COMMISSIONER HOOD: Yes, I'm here for my 20 minutes.

21 (Laughter)

22 CHAIRPERSON HILL: I hope you are not here for 20
23 minutes, I hope that does not happen at all.

24 Mr. Moy, if you could call our last decision case?

25 MR. MOY: Yes. Thank you, Mr. Chairman. All right,

1 | this would be Case Application No. 20295 of John Fisher for
2 | special exceptions under Subtitle E, Section 5201, from the lot
3 | occupancy requirements of Subtitle E, Section 304.1, and from the
4 | rear yard requirements of Subtitle E, Section 306.1. This would
5 | construct a second-story rear deck addition to an existing semi-
6 | detached principal dwelling unit, RF-1 zone, at premises 722 19th
7 | Street, N.E. (Square 4513, Lot 39). This was last heard by the
8 | Board last week, as a matter of fact, October 21st, and scheduled
9 | for today's decision.

10 | Oh, but I want to add for clarity, Mr. Chairman, which I
11 | know you already know, we did receive the ANC report, but it is
12 | not signed, nor was it on an ANC letterhead.

13 | CHAIRPERSON HILL: Right, okay. So are you guys ready
14 | to -- oh, yeah -- are you guys ready to deliberate? I see you all
15 | there, so apparently.

16 | So I was -- the -- we heard the hearing last week and we
17 | -- I -- was also interested in hearing a little bit from the ANC.
18 | It seemed as though the ANC had been kind of, I don't want to say
19 | dropping the ball, but there just seemed to be some
20 | miscommunication as to how this case was going to be heard in
21 | front of them. It seems as though there was some communication
22 | now with the Applicant and the ANC, and they did submit something
23 | into the record; however, since it's not properly in the record
24 | the way it's supposed to be with the regulations, we can't give it
25 | great weight.

1 So I'm going to go back to the standards in terms of how
2 we determine whether or not to grant the application. In this
3 particular case, I thought it was pretty straightforward. And I
4 thought that the Applicant, as well as the analysis that the
5 Office of Planning had provided, was pretty clear in terms of how
6 I could get behind the application. So I am -- I do take comfort
7 in the fact that they have been working with the ANC and it seems
8 as though the ANC would have been in favor, but since we don't
9 have anything official to give them great weight to, but I am
10 comfortable that the Applicant has been working with the ANC. So
11 I'm in favor of the application, I'm going to be voting in favor.

12 Chairman Hood?

13 COMMISSIONER HOOD: I too, Mr. Chairman, will be voting
14 in favor of this application. I think it's a very modest request
15 for relief under Section 304.1 and 306.1, and I don't have any
16 issues.

17 I do appreciate, as you have already mentioned, at least
18 the discussion with the ANC. It doesn't really raise a flag or
19 I'm sure if the ANC had a major issue with this small, modest
20 request, I'm sure they would have let us know. And I think the
21 record, that's the Office of Planning's report, and I think it
22 speaks for itself and I think justifies our approval.

23 So I will be voting in favor as well. Thank you.

24 CHAIRPERSON HILL: Thank you.

25 Mr. Smith?

1 MR. SMITH: I agree with Chairman Hood, I believe that
2 the request is a fairly modest request. The reason why we
3 continued this -- I was in favor of this last week, but we
4 continued it to get additional information from the ANC. And I
5 would just say that I give great weight to OP's report. The issue
6 of light and air, this would be an open deck, it's not a closed
7 deck, so that wouldn't impact neighboring property owners.

8 And I'll also say that the Applicant has attempted to
9 reach out or coordinate with the ANC and also the neighboring
10 property owner that had some concerns about privacy by making the
11 decision to add a screened apparatus on the northern side of the
12 deck.

13 So I do believe that this particular application meets
14 special exception criteria and I will be supporting this
15 application.

16 CHAIRPERSON HILL: Thank you.

17 Vice Chair John?

18 VICE CHAIR JOHN: I agree with everything that's been
19 said so far. I am in support of this application, it is fairly
20 straightforward. And I appreciate the ANC's effort to get
21 something in the record, even though it's not the official letter
22 and, while we can't give it great weight, it is good to know that
23 the ANC is not opposed to the project.

24 So I'm in favor of the application.

25 CHAIRPERSON HILL: Okay, thank you.

1 So -- and thank you, Mr. Smith, for mentioning about
2 that privacy screening, because that is the way that I am also
3 comfortable with the design. And the design is in the record to
4 be built that way, so that is the way it will be built.

5 I'm going to make a motion to approve Application No.
6 20295, as captioned and read by the Secretary, and ask for a
7 second, Ms. John.

8 VICE CHAIR JOHN: Second.

9 CHAIRPERSON HILL: Motion made and seconded. Mr. Moy,
10 if you could please take a roll call vote?

11 MR. MOY: Thank you, Mr. Chairman.

12 When I call your name, if you would please respond with
13 a yes, no, or abstain to the motion made by Chairman Hill to
14 approve the application for the relief requested? The motion was
15 seconded by Vice Chair John.

16 Zoning Commission Chairman Anthony Hood?

17 COMMISSIONER HOOD: Yes to the motion.

18 MR. MOY: Mr. Smith?

19 MR. SMITH: Yes to the motion.

20 MR. MOY: Vice Chair John?

21 VICE CHAIR JOHN: Yes to the motion.

22 MR. MOY: Chairman Hill?

23 CHAIRPERSON HILL: Yes to the motion.

24 MR. MOY: And we have a Board seat which is vacant,
25 which would give a resulting vote of 4 to zero to 1 on the motion

1 made by Chairman Hill to approve, seconded by Vice Chair John.
2 Also in support of the motion, Mr. Smith and Zoning Commission
3 Chair Anthony Hood.

4 Motion carried, sir.

5 CHAIRPERSON HILL: Thank you.

6 All right, Mr. Chairman, we should use -- put you first,
7 but you would have missed all that.

8 COMMISSIONER HOOD: That's all right. I enjoyed the
9 conversation, I learned quite a bit.

10 CHAIRPERSON HILL: All right. All right, Mr. Chairman,
11 you have a good day.

12 COMMISSIONER HOOD: Thank you. And I wanted to know, I
13 wasn't sure on the status of this, unless Commissioner Turnbull
14 wants to pick it up, the first part, the first case on the
15 hearing, what we have down is -- hold on one second.

16 CHAIRPERSON HILL: I mean, actually -- I know what
17 you're talking about. It would possibly be more (indiscernible)
18 like if you were to stick around and take it, because that is --
19 there's some things going on with that one. And so --

20 COMMISSIONER HOOD: Right, so I'm not sure if
21 Commissioner Turnbull will pick it up. So I think I'm still on
22 board with that one, so I wanted to make sure before I sign off.

23 CHAIRPERSON HILL: One last crack, correct.

24 COMMISSIONER HOOD: Right. That's the first one, so we
25 could do that first, because I know there are some issues. Okay,

1 I see I'm getting thumbs up. Okay.

2 CHAIRPERSON HILL: Okay, all right, so you are there.

3 I'm sorry I didn't realize that, Chairman Hood.

4 All right, I'm going to read into the hearing and then
5 we're going to take a break, okay? And then we'll come back for
6 that one case.

7 (Whereupon, the above-entitled matter went off the
8 record at 10:49 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCBZA

Date: 10-28-20

Place: Teleconference

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